

Remarks

This is intended as a full and complete response to the Restriction Requirement dated March 17, 2009, having a shortened statutory period for response set to expire on April 17, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-38 remain pending in the application upon entry of this Response. Claims 1-38 stand restricted by the Examiner. Reconsideration of the restricted claims is requested for reasons presented below.

Claims 1-38 are amended to correct matters of form. These amendments are not presented to distinguish a reference, thus, the claims as amended are entitled to a full range of equivalents.

The Examiner asserts that a restriction of the claimed invention is required under 35 U.S.C. § 121, and that the claims are directed to the following patentably distinct species:

- I. Figure 4, drawn to a focussing lens for focussing a charged particle beam onto a specimen at a predetermined landing angle;
- II. Figures 1a and 1b, drawn to a charged particle beam device to inspect or structure a specimen at various predetermined landing angles; and
- III. Figures 2a and 2b, drawn to a method of inspecting or structuring a specimen by means of a charged particle beam at different landing angles including first and second correcting electrode voltages applied to the correcting electrode and first and second positions of the correcting electrode with respect to the at least first electrode.

Applicant elects, with traverse, Species II, encompassing claims 1-25, drawn to a charged particle beam device to inspect or structure a specimen at various predetermined landing angles. Applicant respectfully asserts that a search of the charged particle beam device of Species II would necessarily include a search for the focussing lens of Species I, and therefore would not be a serious search and examination burden for the Examiner to search claims 1-25 and 36.

Withdrawal of the restriction is respectfully requested.

Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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